

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
JAMES WHITFIELD LIVINGSTON,) CASE NO. 20-03559-MH3-7
)
)
Debtor)

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 8/12/2021
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE HELD ON: 8/31/2021
at 9:00 a.m. by AT&T conference line number 1-888-363-4749, Access Code 4511038#

NOTICE OF MOTION TO DISALLOW CLAIM(S)

Robert H. Waldschmidt, Trustee/Attorney for Trustee, has asked the court for the above relief:

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your written response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Clerk's Intake Department at (615)736-5584.

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

3. You must also serve a copy of your response to Robert H. Waldschmidt at one of the following:

On Line: rhw@rhwlawoffice.com
U.S. Mail: P.O. Box 2828, Brentwood, TN 37024-2828
Fax: (615) 259-2179

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Date: 7/13/2021

/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT, #4657
Attorney for Trustee
P.O. Box 2828
Brentwood, TN 37024-2828
(615) 468-1020; (615) 259-2179 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Notice**, together with the **Motion** and proposed **Order**, were served on the parties listed below, by regular mail, postage prepaid, by placing the envelopes containing the Notice, Motion, and Order in the U.S. Mail, and upon all parties receiving electronic notification, via ECF, on 7/13/2021.

BB&T NOW TRUST
PO Box 1847
Wilson NC 27894

FARM CREDIT MID-AMERICA, FLCA
100 Nevada Avenue
Greeneville TN 37745

PNC EQUIPMENT FINANCE LLC
655 Business Center Drive
Horsham PA 19044

JAMES W. LIVINGSTON
PO BOX 91047
Nashville, TN 37209-9047

LEFKOVITZ&LEFKOVITZ
618 CHURCH ST STE 410
NASHVILLE, TN 37219-2452

/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

JAMES WHITFIELD LIVINGSTON,

Debtor

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CASE NO. 20-03559-MH3-7

CHAPTER 7 TRUSTEE'S OMNIBUS
OBJECTION TO CLAIMS (Rule 3007(d))

Comes now the Chapter 7 Trustee, Robert H. Waldschmidt, and states that all claims filed against this Chapter 7 bankruptcy estate (prior to the claims bar deadline of 6/28/2021) were reviewed by the trustee on 7/12/2021. The Trustee hereby objects to the allowance of certain claims and/or the payment of estate funds to certain claimants. If the amount in the right column below is less than the amount of the filed claim, the trustee is recommending the allowance of a that lesser amount for the reasons set forth in the "Basis for Objection and/or Recommended Disposition" Any claims asserted but not filed (excluding trustee's fees, other professional fees for services rendered on behalf of the trustee, or administrative expenses incurred directly by the trustee), will not be entitled to any distribution from the funds in the bankruptcy estate.

The Trustee objects to the following claims filed in this case:

Claim No.	Claimant Name	Amount of Claim	Basis for Objection and/or Recommended Disposition
2	BB&T NOW TRUST PO Box 1847 Wilson NC 27894	\$19,566.67	Secured Claim; Allowed as Secured, but the Collateral was not administered by the trustee. The claimant shall not receive any distribution from the bankruptcy estate.
5	FARM CREDIT MID-AMERICA, FLCA 100 Nevada Avenue Greeneville TN 37745	\$63,554.74	
15	PNC EQUIPMENT FINANCE LLC 655 Business Center Horsham PA 19044	\$34,165.05	

*All other claims which have been timely filed in this case are not subject to this, or any other filed objection, will be recommended as allowed in the Trustee's Final Report.

The trustee files this objection pursuant to his duties under 11 U.S.C. §704(5) and pursuant to Bankruptcy Rule 3007 and LR 3007-1. This motion itself is not the final determination as to the allowance or disallowance of any claim; all objections are subject to review by the Court and any

Case 3:20-bk-03559 Doc 171 Filed 07/13/21 Entered 07/13/21 09:55:42 Desc Main Document Page 3 of 5

responses from claimants, but if the Court enters the proposed order attached hereto, these recommendations shall become final.

By signature below, the trustee declares that the reasons set forth above are valid grounds for disallowance of claims.

WHEREFORE, TRUSTEE PRAYS for the entry of an order disallowing the payment of estate funds to the claimants set forth above, from distribution to creditors, or reducing the amount of said claims as set forth above, and for such other and further general relief as is just.

DATED: July 13, 2021

RESPECTFULLY SUBMITTED,

/s/ Robert H. Waldschmidt

ROBERT H. WALDSCHMIDT, #4657

Trustee

P.O. Box 2828

Brentwood, TN 37024-2828

(615) 468-1020; (615) 259-2179 fax

rhw@rhwlawoffice.com

DECLARATION

I, Robert H. Waldschmidt, hereby declare under penalty of perjury, that the statements above, the above objections, and the grounds for such objections, are all accurate and correct, to the best of my knowledge information and belief.

/s/ Robert H. Waldschmidt

ROBERT H. WALDSCHMIDT,

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
JAMES WHITFIELD LIVINGSTON,) CASE NO. 20-03559-MH3-7
)
Debtor)

**ORDER APPROVING OBJECTION THE DISTRIBUTION
OF ESTATE FUNDS TO CERTAIN CLAIM(S)**

This matter is before the court upon the trustee's objection to the payment of estate funds to certain creditors. It appearing to the court that the trustee has provided notice of his objection pursuant to LR 3007-1, and no responses have been filed to the trustee's objection, and for other cause to the court shown;

IT IS HEREBY ORDERED that the claims listed below are hereby either REDUCED, DISALLOWED, or otherwise determined NOT to be entitled to any distribution from the bankruptcy estate funds:

Claim No.	Claimant Name	Amount of Claim	Basis for Objection and/or Recommended Disposition
2	BB&T NOW TRUST PO Box 1847 Wilson NC 27894	\$19,566.67	Secured Claim; Allowed as Secured, but the Collateral was not administered by the trustee. The claimant shall not receive any distribution from the bankruptcy estate.
5	FARM CREDIT MID-AMERICA, FLCA 100 Nevada Avenue Greeneville TN 37745	\$63,554.74	
15	PNC EQUIPMENT FINANCE LLC 655 Business Center Horsham PA 19044	\$34,165.05	

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:
/s/ Robert H. Waldschmidt
ROBERT H. WALDSCHMIDT, Trustee
P.O. Box 2828
Brentwood, TN 37024-2828
(615) 468-1020; (615) 259-2179 fax
rhw@rhwlawoffice.com